

Robert C. Weaver, Jr., OSB #801350
E-Mail: rweaver@gsblaw.com
Garvey Schubert Barer
Eleventh Floor
121 SW Morrison Street
Portland, Oregon 97204-3141
Telephone: (503) 228-3939
Facsimile: (503) 226-0259

*Attorney for United States District Court,
District of Oregon*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

In Re:

MARCUS MUMFORD

Case No. 3:17-mc-00348-JCC

MOTION TO STRIKE MARCUS R. MUMFORD'S MOTION TO DISMISS ORDER TO SHOW CAUSE DATED APRIL 12, 2017, AND ISSUED IN *UNITED STATES V. AMMON BUNDY, ET AL.*, CASE NO. 3:16-CR-0051 [DOC. 2069]; MOTION TO DISQUALIFY COUNSEL FOR THE DISTRICT COURT (DOC. NO. 14)

The Honorable John C. Coughenour
United States District Court Western
District of Washington

LR 7-1 CERTIFICATION

Counsel for the District of Oregon made a good faith effort, by telephone and email, to confer with Mr. Mumford on this Motion. Mr. Mumford did not respond before filing it.

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MOTION

The United States District Court for the District of Oregon (the “District Court”), by and through Garvey Schubert Barer, an Interested Party, respectfully moves the Court to strike Marcus R. Mumford’s Motion to Dismiss Order to Show Cause Dated April 12, 2017, and Issued in *United States v. Ammon Bundy, et al.*, Case No. 3:16-cr-0051 [Doc. 2069]; Motion to Disqualify Counsel for the District Court, and attachments thereto. Mr. Mumford’s motions are untimely and directly violate the Court’s November 14, 2017 Amended Minute Order (Doc. No. 13).

MEMORANDUM OF POINTS AND AUTHORITIES

The Court has the inherent authority to manage and control its docket, and that authority includes the right to strike documents submitted in violation of court orders. *See, e.g., Timbisha Shoshone Tribe v. Kennedy*, No. CVF 09-1248 LJO SMS, 2010 WL 582054, at *2 (E.D. Cal. Feb. 18, 2010) (striking untimely brief).

The Court’s Amended Minute Order (Doc. 13; the “Order”), entered on November 14, 2017, states that “[t]he Court will not accept further briefing on the [Order to Show Cause] matter from Mr. Mumford.” The Court entered the Order after counsel for the District Court filed a motion to clarify, which, *inter alia*, recited Mr. Mumford’s history of receiving and breaching extensions to file his brief, and his repeated disregard for the Court’s rules.

On November 16, 2017, Mr. Mumford, again ignoring the Court’s rules and orders, filed a 47-page Motion to Dismiss the Order to Show Cause and Motion to Disqualify Counsel (the “Motions”), along with seven unnumbered exhibits. Mr. Mumford’s Motions largely consist of arguments made in his provisional brief already accepted by the Court. *Cf.* Doc. Nos. 7-1 at 4-28 *with* 14 at 3-41. These Motions only seek to further brief the Show Cause Order in violation of

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the Court's Order. And once again, Mr. Mumford has failed to comply with Local Rules 7-1 and 7-2. He did not seek to confer with counsel or seek leave of Court to file an oversize brief.¹

Mr. Mumford's pattern of behavior is bewildering given that he is currently before the Court pursuant to an Order to Show Cause due to his "[r]epeated failures or refusals to observe court rulings." (Case No. 3:16-CR-0051-BR, Doc. No. 2069). But, it appears to be a long-standing practice of his evincing "a pattern ... of disregard for th[e] court's rules, orders and deadlines." Declaration of Robert C. Weaver, Ex. B (Order issued by the United States Court of Appeals for the Tenth Circuit). In addition to striking the Motions and attachments thereto, this Court should require under penalty of sanctions, that Mr. Mumford seek leave of Court to file any further substantive motions or briefs in this matter.

¹ Mr. Mumford also appears to be violating other rules. For example, LR 10-1(f)(1) requires each page to bear a footer with a brief description of the document and consecutive numbering at the bottom of the page. LR 10-1(f)(2) requires each exhibit to be clearly numbered. LR 7-1 requires each motion to be stated in a separate section under the heading "Motion." LR 7-1(c) requires every memorandum that exceeds 20 pages to include a table of contents and a table of cases.

CONCLUSION

Based on the foregoing, the District Court respectfully requests that the Court strike Marcus R. Mumford's Motion to Dismiss Order to Show Cause Dated April 12, 2017, Issued in *United States v. Ammon Bundy, et al.*, Case No. 3:16-cr-0051 [Doc. 2069]; Motion to Disqualify Counsel for the District Court, including all attachments thereto; and require Mr. Mumford to obtain leave of Court before filing any further substantive motions or briefs in this matter.

DATED this 17th day of November, 2017.

Respectfully submitted,

By s/ Robert C. Weaver, Jr.

Robert C. Weaver, Jr., OSB #801350
GARVEY SCHUBERT BARER
121 SW Morrison Street, 11th Floor
Portland, OR 97204
Telephone: (503) 228-3939
E-Mail: rweaver@gsblaw.com

*Attorney for United States District
Court, District of Oregon*

GSB:9085296.2 [40722.00100]

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